

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

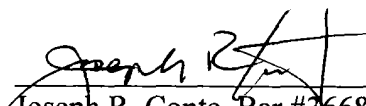
UNITED STATES OF AMERICA)	
)	
)	
v.)	Cr. No. 04-0017 (Erie)
)	
)	
DARRELL SIVIK)	
)	
)	
)	

SECOND MEMORANDUM IN AID OF SENTENCING

COMES NOW, Darrell Sivik, through counsel, Joseph R. Conte, 400 Seventh Street, N.W., Suite 400, Washington, D.C. 20004, to respectfully file with this Honorable Court a letter from the defendant's physician for consideration at his sentencing on October 4, 2005.

Dated: September 30, 2005

Respectfully submitted,



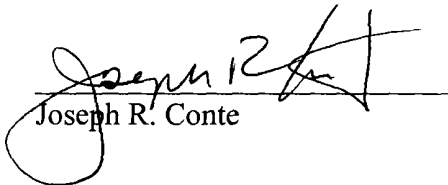
Joseph R. Conte, Bar #366827
400 Seventh St., N.W., #400
Washington, D.C. 20004
202.638.4100
Fax 202.628.0249

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served, telefacsimile and
by First Class Mail, postage prepaid to:

Mr. Marshal Piccinini, Esquire
Office of the U.S. Attorney
U.S. Courthouse
17 South Park Row
Erie, PA 16507

this 30th day of September, 2005


Joseph R. Conte

Law Offices of Joseph R. Conte, P.L.L.C.

400 Seventh Street, N.W. Suite 400

Washington, D.C. 20004-2206

202.638.4100

Fax: 202.628.0249

email: jrc1113@msn.com

September 30, 2005

Clerk, Criminal Division
United States District Court
17 S. Park Row
Erie, PA 16501

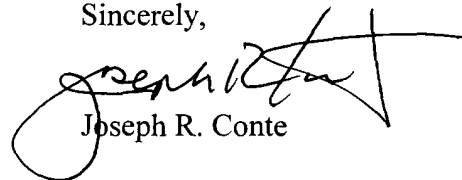
Re: ***United States of America v. Darrell Sivik***
Cr. No. 04-CR-17

Dear Sir/Madam:

Enclosed is a motion for filing in the above referenced case. Additionally, I have enclosed a 3.5 inch diskette witch contains the motion in PDF format and a copy to be file stamped and returned to me in the enclosed envelope.

Thank you in advance for your attention to this matter.

Sincerely,



Joseph R. Conte

Enclosures

JRC/jc

Paula Miaczynski, D.O.

505 Poplar St. Suite 309
Meadville, Pa 16335
Office: 337-6199 Fax: 336-5231

September 27, 2005

Honorable Maurice B. Cohill
United States District Court for the Western District of Pennsylvania
17 S. Park Row
Erie, PA 16501

RE: *United States of America v. Darrell Sivik Sr.*

Dear Honorable Cohill:

I am writing this letter, asking you to please take into consideration Mr. Sivik's present and expected state of health. As you know he underwent open heart surgery in 7/2004 from which most patients' heart condition would improve. Mr. Sivik had a very rocky course after his surgery. The functioning of his heart, with respect to the amount of blood it pumps out, got worse. His ejection fraction (the percentage of blood pumped out each time the heart beats) decreased from an estimated 65-70% to 30%; some of which is caused by inoperable small vessel disease. Mr. Sivik will require routine follow-up and testing periodically to assess his heart function. Based on these tests we can adjust his medications.

Mr. Sivik's family history also bears a poor prognosis. His parents died in their early 60's of heart disease; as did many of his uncles and aunts. Mr. Sivik's siblings also have heart disease. Given Mr. Sivik's age and family history; I suspect that he will reach his life expectancy in the next few years. Genetics can not be changed. However modifying the risks factors that we can, including a reduction in his level of stress; will be important to his ongoing medical care.

Again, I ask that you please take this information into consideration.

Sincerely,

Paula Miaczynski D.O.

Paula Miaczynski, D.O.

Cc: Attorney Joseph R. Conte